

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

September 10, 2004

Minutes of the regular City Council meeting held Tuesday, September 7, 2004 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present except Councilor Veilleux; Mayor Dowling presided.

Presentation - Update by the Conservation Commission on the status of the Open Space Master Plan

Public comments were held on items listed on the agenda

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

106 ORDERED, That the City Manager is hereby authorized to transfer title of a certain parcel of city-owned property located on Tax Map 35, Lot 50, located at 4-4 1/2 York Street to Bread of Life with the condition that a payment in lieu of taxes for land and buildings equal to the municipal share of property taxes shall be provided to the city.

(NO MOTION TO REMOVE ORDER FROM TABLE)

115 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 6, Article II. Code Enforcement, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

Sec. 6-31. Adoption of building code.

The BOCA National Building Code, latest edition as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the building code of the city for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the BOCA National Building Code, are hereby referred to, adopted and made a part hereof, excluding:

Article 24 Masonry Fireplaces,  
Article 25 Mechanical Equipment and Systems,  
Article 26 Elevator, Dumbwaiter and Conveyor Equipment

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND TABLED (Con't)

115 Continued

Installation and Maintenance,  
Article 27 Electronic Wiring, Equipment and Systems,  
Article 28 Plumbing Systems,  
Article 29 Signs, and  
Article 31 Energy Conservation.

That Chapter 6, Article II. Code Enforcement, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Sec. 6-31. Adoption of building codes.

Sec. 6-31.1 Building code.

The International Building Code, 2003 edition as published by the International Code Council is hereby adopted as the building code of the City of Augusta for the control of buildings and structures, except one- and two-family dwellings and townhouses, as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code are hereby referred to, adopted and made a part hereof, excluding:

Chapter 13 - Energy Efficiency  
Chapter 21 - (Fireplaces, Chimneys)  
Chapter 27 - Electrical  
Chapter 28 - Mechanical Systems  
Chapter 29 - Plumbing Systems  
Chapter 30 - Elevators and Conveying Systems  
Chapter 31 - (Signs)  
Chapter 35 - Referenced Standards

Sec. 6-31.1.2 Residential building code.

The International Residential Code, 2003 edition as published by the International Code Council, is hereby adopted, as the residential building code of the City of Augusta for the control of one- and two-family dwellings and townhouses, as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code are hereby referred to, adopted and made a part hereof, to include:

Chapter 1 - Administration  
Chapter 2 - Definitions  
Chapter 3 - Building Planning  
Chapter 4 - Floors  
Chapter 5 - Foundations

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND TABLED (Con't)

- 115 Continued
  - Chapter 6 - Wall Construction
  - Chapter 7 - Wall Covering
  - Chapter 8 - Roof-Ceiling Construction
  - Chapter 9 - Roof Assemblies
  - and excluding Chapters 10 - 43.

(NO MOTION TO REMOVE ORDER FROM TABLE)

NEW BUSINESS

HAS BEEN READ AND TABLED

- 129 WHEREAS, on November 2, 2004, the Citizens of the State of Maine will vote whether to enact a citizens' initiative entitled, "An Act to Impose Limits on Real and Personal Property Taxes," more commonly known as the Palesky Initiative;

WHEREAS, if passed, the Palesky Initiative would limit property taxes to 1% of the assessed value of property;

WHEREAS, reducing the City of Augusta's tax rate to 1% of the assessed value of property as provided for by the Palesky Initiative would devastate the City's ability to provide essential services;

WHEREAS, the Palesky Initiative would exempt from the 1% cap the payment of interest on and principal of indebtedness approved by the voters in accordance with the initiative; and

WHEREAS, approval of certain orders authorizing indebtedness of the City of Augusta will mitigate the impact of the Palesky Initiative on the City of Augusta in the event that it is enacted;

NOW, THEREFORE, BE IT ORDERED By the City Council of the City of Augusta that:

- 1. The Augusta City Council finds that the following Orders authorizing indebtedness of the City of Augusta prior to July 1, 1999 were not approved by the voters of the City of Augusta prior to July 1, 1999:

NEW BUSINESS (Con't)HAS BEEN READ AND TABLED (Con't)

129 Continued

- Order #498 / 1996 Public Improvements \$500,000.00
- Order #209 / 1997 Public Improvements \$500,000.00
- Order #602 / 1998 Public Improvements \$450,000.00

2. The Augusta City Council finds that the following Orders authorizing indebtedness of the City of Augusta on or after July 1, 1999 were not approved by the voters of the City of Augusta on or after July 1, 1999 by 2/3 of the votes cast by voters voting on the respective orders in a general election:

- Order #186 / 1999 Series D Bond Payment \$497,500.00
- Order #308 / 2000 Series A Bond Payment \$922,500.00
- Order #422 / 2000 Civic Center Expansion \$4.3 million
- Order #423 / 2000 Parking Garage \$2.5 million
- Order #51 / 2001 City Capital Improvement Project \$495,000.00
- Order #265 / 2002 Capital Improvement Series E \$179,000.00
- Order #236 / 2002 Supplemental Parking Garage \$500,000.00
- Order #113 / 2003 New Cony High School \$29.5 million
- Order #39 / 2004 Capital Expenditures \$500,000

3. The following question shall be voted on at the November 2, 2004 General/Referendum and Municipal Election:

"Shall certain Orders authorizing indebtedness of the City of Augusta as described in Order #129 be ratified by the voters of the City of Augusta?"

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

HAS BEEN READ, FIRST READING

130 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, section 38 Schedule of one-way streets, of the Revised Code of Ordinances 1990, as amended be further amended by deleting:

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

130 Continued  
Swan Street, from Grove Street to Memorial Drive, south only.

That Chapter 18, section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by deleting:

Swan Street:

No parking on the north side.

That Chapter 18, section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended be further amended by adding:

Swan Street:

No parking either side.

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

120 ORDERED, That minutes of the City Council meeting held August 2, 2004 submitted by the City Clerk be approved.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

121 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$25,200.00.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

122 ORDERED, That Roll of Accounts #12 for the month of June 2004 in the amount of \$4,453,972.15 be approved.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

123 ORDERED, That the report regarding the City's financial position through June 2004 be presented and accepted upon presentation.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

124 ORDERED, That Roll of Accounts #1 for the month of July 2004 in the amount of \$5,468,609.21 be approved.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

125 ORDERED, That the report regarding the City's financial position through July 2004 be presented and accepted upon presentation.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

126 WHEREAS, on June 8, 2004, the people of Maine decisively approved referendum Question #1 requiring the State of Maine to pay a full 55% of local education costs, including special education expenses; and

WHEREAS, this funding has long been sought by Maine municipalities due to the Maine Legislature's unwillingness to abide by the legislation it passed in 1984; and

WHEREAS, the impact of the Legislature's failure to fully-fund the 55% State portion of local education costs has been a primary reason for the State's high property tax rate, and has greatly overburdened local property taxpayers, both residents and businesses; and

WHEREAS, the City of Augusta, along with other municipalities in Maine, has long sought to reduce the property taxes but has been unable to do so without full State education funding; and

WHEREAS, the passage of Question #1 potentially could

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

126 Continued  
provide substantial additional funding to the City of Augusta and other Maine municipalities for local education expenses;

NOW, THEREFORE, BE IT RESOLVED, that the Augusta City Council publicly and forcefully declares its intent to use all new Question #1 funding for the reduction of the tax rate; and

BE IT FURTHER RESOLVED, that the Augusta City Council hereby implores the Governor and the 122nd Maine Legislature to fully and immediately implement the will of the people as expressed through the passage of Question #1.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

127 ORDERED, That the City Council of Augusta approve that the Augusta Vocational Technical Center, which is now located in Ward II, continue to be the Ward IV Polling Place until such a time when a facility within Ward IV becomes available and complies with M.R.S.A. Title 21-A, Chapter 9, Section 627.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

128 ORDERED, That the Voter Registration hourly schedule for open session for the November 2, 2004 General/Referendum Election and Municipal Election be as follows:

Thursday, October 28, 2004 from 1:00 p.m. to 6:00 p.m.

The intent of this order is to change the evening session time in accordance with M.R.S.A. Title 21-A, Section 122(8), as amended.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

131 ORDERED, That two (2) petitions dated August 30, 2004 submitted to the City Clerk be submitted to Corporation Counsel for opinion to be issued at the City Council's next regular meeting.

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

132 ORDERED, That the City Council enter into Executive Session to discuss:

1. A personnel matter, M.R.S.A. Title 1, Sec. 405(6)(A)(1)
2. Labor negotiations with Fire Fighters, M.R.S.A. Title 1, Sec.405(6)(D)

Yeas: 7; Sotir, Doore, Foster,  
Lerman, Davis, Koski, Lund

Nays: 0

Respectfully submitted,

Barbara E. Wardwell  
City Clerk